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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,106	07/30/2003	Christian Warther	35181	8317

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CHRISTIAN WARTHER  
1585 Masters Court  
Superior, CO 80027

EXAMINER

CHAMBERS, MICHAEL S

ART UNIT PAPER NUMBER

3711

DATE MAILED: 07/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 10/630,106	<b>Applicant(s)</b> WARTHER, CHRISTIAN	
	<b>Examiner</b> Michael Chambers	<b>Art Unit</b> 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.  
 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.  
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
 6) ☒ Claim(s) 1-15 is/are rejected.  
 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

Art Unit: 3711

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1,2,7 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Ulman. Ulman discloses a frame having a throat, a sidewall extending from the throat, and a lip joined to an end of the sidewall remote from the throat, the sidewall and lip having netting support holes; netting attached to said frame by portions of said netting disposed through said netting support holes; and a shield (24) disposed on the lip that protects portions of netting disposed through said netting support holes of the lip from abrasive wear that occurs when the lip engages a ground surface (fig 1).

As to claim 2 : Ulman discloses a plastic material(2:62-65).

As to claim 7 : See claim 1 rejection.

As to claim 8 : See claim 2 rejection.

Also,

Art Unit: 3711

Claims 1,3,7,9 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Auer. Auer discloses a frame having a throat, a sidewall extending from the throat, and a lip joined to an end of the sidewall remote from the throat, the sidewall and lip having netting support holes; netting attached to said frame by portions of said netting disposed through said netting support holes; and a shield (4) disposed on the lip that protects portions of netting disposed through said netting support holes of the lip from abrasive wear that occurs when the lip engages a ground surface (fig 2).

As to claim 3 : Auer discloses a material(2:50-52 ,fig 1). The material's rigidity is implicit.

As to claim 7 : See claim 1 rejection.

As to claim 9 : See claim 3 rejection.

As to claim 13 : Auer discloses a substantially semicircular lip (fig 1).

Also,

Claims 1-4,6-10, 12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Deutsch. Deutsch discloses a frame having a throat, a sidewall extending from the throat, and a lip joined to an end of the sidewall remote from the throat, the sidewall and lip having netting support holes; netting attached to said frame by portions of said netting disposed through said netting support holes; and a shield (26) disposed on the lip that protects portions of netting disposed through said netting support holes of the lip from abrasive wear that occurs when the lip engages a ground surface (fig 2).

Art Unit: 3711

As to claims 2 and 3 : Deutsch discloses a plastic material(1:36-37). The material's rigidity is implicit.

As to claim 4 and 6 : Deutsch discloses integrally formed tabs (fig 5). The tabs would minimize interference since they are on the backside of the head.

As to claim 7 : See claim 1 rejection.

As to claims 8 and 9 : See claim 2 and 3 rejection.

As to claim 10 : See claim 4 rejection.

As to claim 12 : See claim 6 rejection.

As to claim 13 : Deutsch discloses a substantially semicircular lip (fig 1).

Also,

Claims 1,3,7,9,12 and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Luce. Luce discloses a frame having a throat, a sidewall extending from the throat, and a lip joined to an end of the sidewall remote from the throat, the sidewall and lip having netting support holes; netting attached to said frame by portions of said netting disposed through said netting support holes; and a shield (e) disposed on the lip that protects portions of netting disposed through said netting support holes of the lip from abrasive wear that occurs when the lip engages a ground surface (fig 2).

As to claim 3 : Luce discloses a rigid material (fig 1, 1:75-80).

As to claim 7 : See claim 1 rejection.

As to claim 9 : See claim 3 rejection.

As to claim 12 : See claim 6 rejection.

As to claim 13 : Luce discloses a substantially semicircular lip (fig 1).

Art Unit: 3711

Also,

Claims 1- 4,6-10, and 12-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Tucker. Tucker discloses a frame having a throat, a sidewall extending from the throat, and a lip joined to an end of the sidewall remote from the throat, the sidewall and lip having netting support holes; netting attached to said frame by portions of said netting disposed through said netting support holes; and a shield (208) disposed on the lip that protects portions of netting disposed through said netting support holes of the lip from abrasive wear that occurs when the lip engages a ground surface (fig 7).

As to claim 2 : Tucker discloses a plastic material (2:14-15).

As to claim 3 : Tucker discloses a rigid material (2:14-15).

As to claim 4 : Tucker discloses integrally formed tabs (fig 2h).

As to claim 6 : Tucker discloses tabs that minimize interference (fig 1, 7).

As to claim 7 : See claim 1 rejection.

As to claim 8 : Tucker discloses a plastic material (7:48-55).

As to claim 9 : See claim 3 rejection.

As to claim 10 : See claim 4 rejection.

As to claim 12 : See claim 6 rejection.

As to claim 13 : Tucker discloses a substantially semicircular lip (fig 1).

As to claim 14 : Tucker discloses a substantially semicircular lip (fig 1).

As to claim 9 : See claim 3 rejection.

Also,

Claims 1- 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al . Williams et al discloses a frame having a throat, a sidewall

Art Unit: 3711

extending from the throat, and a lip joined to an end of the sidewall remote from the throat, the sidewall and lip having netting support holes; netting attached to said frame by portions of said netting disposed through said netting support holes; and a shield (10) disposed on the lip that protects portions of netting disposed through said netting support holes of the lip from abrasive wear that occurs when the lip engages a ground surface (fig 1).

As to claim 2 : Williams et al discloses a plastic material (2:51-53).

As to claims 3 and 9 : Williams et al discloses a rigid material (2:53-55).

As to claims 4 ,5 and 15 : Williams et al discloses integrally formed tabs that will snap fit on the lip (fig 2,7 item 22,26,34,36,44).

As to claims 6 and 12 : Williams et al discloses tabs that minimize interference (fig 5).

As to claim 7 and 14 : See claim 1 rejection.

As to claim 8 : Williams et al discloses a plastic material (2:51-53).

As to claim 10 : See claim 4 rejection.

As to claim 11 : See claim 5 rejection.

As to claim 13 : Williams et al discloses a substantially semicircular lip (fig 5).

Also,

Claims 1-2,4-8,10- 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Chen . Chen discloses a frame having a throat, a sidewall extending from the throat, and a lip joined to an end of the sidewall remote from the throat, the sidewall and lip having netting support holes; netting attached to said frame by portions of said netting disposed through said netting support

Art Unit: 3711

holes; and a shield (10) disposed on the lip that protects portions of netting disposed through said netting support holes of the lip from abrasive wear that occurs when the lip engages a ground surface (fig 1).

As to claim 2 : Chen discloses a plastic material (2:57).

As to claims 4 ,5 and 15 : Chen discloses integrally formed tabs that will snap fit on the lip (fig 3 item 13).

As to claims 6 and 12 : Chen discloses tabs that minimize interference (fig 3).

As to claim 7 and 14 : See claim 1 rejection.

As to claim 8 : Chen discloses a plastic material (2:57).

As to claim 10 : See claim 4 rejection.

As to claim 11 : See claim 5 rejection.

As to claim 13 : Chen discloses a substantially semicircular lip (fig 3).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Chambers whose telephone number is 703-306-5516. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on 703-308-1513. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



Art Unit: 3711

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Michael Chambers  
Examiner  
Art Unit 3711

June 30, 2004

  
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